

FACT SHEET

Foster and Kinship Carer Insurance Cover

Coverage for property damage, personal injury and third party liability is provided for foster and kinship carers because carers are considered to be authorised volunteers of Communities Tasmania (the Department), and receive no payments other than reimbursements for costs associated for caring for children on behalf of the Department.

Please note that claims for property loss/damage or personal injury are independently assessed by JLT Risk Solutions Pty Ltd (JLT) on behalf of the Tasmanian Risk Management Fund (TRMF) and a decision by JLT regarding whether a claim is accepted or not is considered final.

Personal accident cover through the TRMF covers carers for injuries suffered or aggravated while they are undertaking caring related activities on behalf of the Department.

While covered under the *Civil Liability Act 2002*, individual volunteers acting in good faith are exempted from liability for his/her negligence while undertaking volunteer activities. As carers are considered to be volunteers, this coverage extends to personal injury or property damage to a third party caused by the activities of a carer acting on behalf of the Department and is covered by the TRMF.

This insurance cover **does not cover accidental damage** by a child or young person (eg. breakage of windows).

Definitions

Carer

A carer is a person who has been approved by the Child Safety Service under Section 69 (1)(b) of the *Children, Young Persons and Their Families Act 1997* to provide for the care of a child who is under the guardianship or custody of the Secretary. This includes foster and kinship carers, including respite carers. These carers provide care on a voluntary basis, receiving no payments other than reimbursements for costs associated with caring for children on behalf of the Department.





Foster carer

A foster carer provides care for children and young people in the carer's own home and is reimbursed for the cost to care for the child or young person.

Kinship carer

A kinship carer provides care for children and young people with whom they have a significant relation, in the carer's own home, and they receive a reimbursement to care for the child or young person.

Respite care

Respite care is provided for children for short periods of time on a regular basis. The insurance cover applies to respite care, as well as to primary, temporary or emergency care arrangements.

The Department

The 'Department' is Communities Tasmania.

Community organisation

A community organisation is one that is managed by a board of management and funded by the Department specifically to provide out of home care placements for children who are at risk of abuse and neglect.

Volunteer

Volunteers undertake activities on behalf of the Department, without monetary reward, and for the benefit of the community. 'Without monetary reward' does not exclude the payment of out-of-pocket expenses, which are a reimbursement for actual costs incurred rather than a reward.

Tasmanian Risk Management Fund (TRMF)

The Tasmanian Risk Management Fund is the Tasmanian Government's self-insurance arrangement.

JLT Risk Solutions Pty Ltd (JLT)

JLT provides an assessment service on behalf of the Department for claims. JLT also act as the Fund Administration Agent for the TRMF.

Insurance Cover

Damage to or loss of property owned by a carer

Note: The arrangement between the Department and JLT to provide an assessment service for property damage claims is separate to JLT's role as the Fund Administration Agent for the TRMF.

1.1 Coverage

- The Child Safety Service (CSS) will consider requests for reimbursement to carers for costs associated with damage to, or loss of, their personal property that are directly attributable to the willful and negligent or intentional actions of children or young people for whom they provide care on behalf of the Department. These requests will be considered on a case by case basis.
- Claims are then independently assessed by JLT and a decision by JLT regarding whether a claim is accepted or not is considered final.
- A JLT assessor may be required to assess the damage based on the claim. The claim may not be settled until this inspection has been completed.
- JLT will advise the carer of the assessment decision within ten days of the decision being made.
- Coverage for damage to, or loss of, property is limited to the cost to the carer. Maintenance



related damage and items on loan, for which there are no written agreements with the lessor, are not covered.

1.2 Responsibility of carers

- Carers must maintain adequate security arrangements for their personal property. Non-observance of reasonable levels of security may result in reimbursement being reduced or denied.
- As this coverage is limited, carers are advised to seek private insurance coverage for damage to their property not attributable to children placed with them by the Secretary of Communities Tasmania.
- At the time of an incident or as soon as practicable after the incident, the carer must:
 - record details of the incident, including the name of witnesses and their contact details if relevant; and
 - contact the CSS during business hours to discuss the claims process.
- Carers should obtain two written, itemised quotes to support their claim for damaged contents/personal effects and those quotes should accompany the claim form. Carers must provide the ages of the original items.
- JLT will engage contractors to provide a quotation for building claims.
- Carers must take a photo of any damage that has occurred and include this with the claim.
- Claims must be received by the Department within 30 days of the damage occurring.
- Carers who use private motor vehicles in the course of caring for children or young people, are advised to have them comprehensively insured.

1.3 Scope of Cover

Claims for reimbursement will be considered in the following situations provided they are directly attributable to the willful, negligent and intentional actions of a child or young person in care and reasonable measures have been taken to safeguard property:

- Theft, vandalism and malicious damage to goods and property that is owned and/or the legal responsibility of the carer;
- Money, cheques and other negotiable instruments up to a total value of \$750 (note 1.2 and responsibility of carers to maintain adequate security arrangement, including limiting the amount of cash kept on premises);
- Breakage of fixed glass;
- If the key for the lock of any external door or window at the carer's address is stolen by the child in care, or there are reasonable grounds to believe that the key(s) have been duplicated by the child in care, cover will be provided for the cost of replacement of the lock(s) or cylinder(s) (with those of a similar quality) operated by the key(s), up to a maximum of \$500; and
- Leased equipment for items with written agreements only.

2. Personal Injury to Carers

Note: The arrangement between the Department and JLT to provide an assessment service for property damage claims is separate to JLT's role as the Fund Administration Agent for the TRMF. As such, claims for personal injury and/or limited third party liability are dealt with under the established TRMF process. For more information visit the TRMF section of the Department of Treasury and Finance website via www.treasury.tas.gov.au/tasmanian-risk-management-fund



Note: For claims relating to an injury sustained by a carer, the TRMF Claims/Incident Report Form should be completed. This form is available from the TRMF section of the Department of Treasury and Finance website via www.treasury.tas.gov.au/tasmanian-risk-management-fund

2.1 Coverage

- The TRMF is the Tasmanian Government's self-insurance arrangement and provides the Department with personal accident cover for its authorised volunteers.
- Carers are considered to be authorised volunteers of the Department as they receive no payment other than reimbursements for costs associated with caring for children on behalf of the Department.
- Personal accident covers carers for injuries suffered or aggravated while they are undertaking caring related activities on behalf of the Department.
- Personal accident cover also covers carers who contract a disease and the caring related activity undertaken on behalf of the Department was the major contributor.
- Personal accident cover provides reimbursement of reasonable medical expenses and the payment of other benefits as provided under the *Workers Rehabilitation and Compensation Act 1988*.

2.2 Limits to coverage

- Reimbursements of reasonable expenses including medical, hospital, ancillary and out of pocket expenses is limited to costs that are not recoverable under Medicare or private health insurance.
- There is a two year limit on the benefits provided.
- Carers are not covered if they work for community sector organisations or provide care to children and young people who are not placed with them by the CSS.
- Persons who suffer an injury as a direct result of a motor vehicle accident will generally be eligible for no-fault benefits provided by the Motor Accidents Insurance Board (MAIB). As a result, the TRMF does not provide cover for volunteers who suffer personal injury as a direct result of a motor vehicle accident.
- Benefits are not provided where a volunteer acts outside the scope of activities authorised by the Department, or is affected by alcohol/other drugs at the time of the incident.

2.3 Responsibility of carers

- At the time of becoming aware of the injury or as soon as practicable after (within 14 days), the carer must report the injury to the CSS.
- The information provided to CSS should include:
 - The name and address of the person injured;
 - The nature and cause of the injury; and
 - The date and time of the injury and the names and contact details of witnesses.
- CSS will discuss the claims process with the carer.

2.4 Other considerations

- In some cases the fund administration agent will make arrangements with the carer to obtain a medical report from a medical practitioner that is appointed by the fund administration agent.

2.5 Further information

- For further information on personal accident cover and procedures for reporting of claims please



refer to the TRMF section of the Department of Treasury and Finance website:
www.treasury.tas.gov.au/tasmanian-risk-management-fund

3. Personal Injury or Property Damage to a Third Party

Note: The arrangement between the Department and JLT to provide an assessment service for property damage claims is separate to JLT's role as the Fund Administration Agent for the TRMF. As such, claims for personal injury and/or limited third party liability are dealt with under the established TRMF process. For more information visit the TRMF section of the Department of Treasury and Finance website via www.treasury.tas.gov.au/tasmanian-risk-management-fund

3.1 Coverage

- Under the *Civil Liability Act 2002*, individual volunteers acting in good faith are exempted from liability for his/her negligence. It is the organisation that is directing the volunteer that may incur a potential liability depending on the facts of the matter. Advice will be sought from the State's legal advisors on these matters. Accordingly, the TRMF provides public liability cover to the Department where there is a personal injury or property damage claim made by a third party arising out of the activities of a carer acting on behalf of the Department.

3.2 Limits to coverage

- Liability cover is **not** provided for third party personal injury claims arising from the use of a registered motor vehicle. This is insured through the Motor Accidents Insurance Board which provide medical and income benefits on a no-fault basis to persons injured in motor vehicle accidents.
- Communities Tasmania is not liable in circumstances where the carer:
 - acts outside the scope of the activities authorised by the CSS or contrary to its instructions;
 - is affected by alcohol or other drugs at the time of the incident; or
 - is involved in a motor vehicle accident.

3.3 Responsibility of carers

- At the time of the incident, the carer must:
 - take immediate action to minimise the extent of personal injury or damage to the property of a third party;
 - record details of the incident including the names and contact details of witnesses;
 - take a photo of any damage to property that has occurred and include this with the claim;
 - contact Tasmania Police if a crime has been committed; and
 - report the incident to the CSS as soon as is practicable.
- The carer must not:
 - admit liability either verbally or in writing; or
 - agree to pay or settle costs of the third party.
- CSS will discuss the claims process with the carer.

3.4 Further information

- For further information on liability and procedures for the reporting of claims, please refer to the TRMF section of the Department of Treasury and Finance website: www.treasury.tas.gov.au/tasmanian-risk-management-fund